



**521 FW 1**

***Eligibility Standards for Wildlife Restoration***

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Part 521: Federal Aid Program Eligibility

Originating Office: Division of Federal Aid

**1.1 What is the purpose of this chapter?** This chapter provides eligibility standards for the Federal Aid in Wildlife Restoration Program. As used in this chapter, the term "we" refers to the Fish and Wildlife Service and the term "State" refers to State fish and wildlife agencies and other entities eligible to participate.

**1.2 What is the authority for this program?**

**A.** [Federal Aid in Wildlife Restoration Act of 1937](#), as amended, ([16 U.S.C. 669-669i](#)) authorizes the Secretary of the Interior ". . . to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter set forth . . . ." Section 1 concludes with ". . . all projects shall conform to the standards fixed by the Secretary of the Interior."

**B.** [50 CFR 80](#).

**C.** [43 CFR 12](#).

**1.3 Who administers this program?**

**A.** The Director, Fish and Wildlife Service, is the Secretary's representative in matters relating to the administration and execution of the Federal Aid In Wildlife Restoration Program ([50 CFR 80](#)).

**B.** The Assistant Director--Migratory Birds and State Programs provides national oversight for the program.

**C.** Regional Directors will administer the Federal Aid in Wildlife Restoration Program within their Region, to include approving grant proposals, monitoring performance of projects within an approved grant, and monitoring compliance with applicable Federal laws and regulations.

**1.4 Who can participate in this program?** State fish and wildlife agencies [WR Act Sec 1] and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands [WR Act Sec 8A].

**1.5 What are the requirements to participate?** To be eligible, States must have assented to the provisions of the Act and passed laws for the conservation of wildlife that include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of the State fish and game department [50 CFR 80.3]. Each year within 60 days of the apportionment notice, States must notify the Secretary of the Interior that they want to participate in the program for the year [50 CFR 80.9].

**1.6 Does a grant recipient have to comply with any laws or regulations?**

Grantees must comply with all applicable Federal laws and regulations, as a condition of acceptance of Federal funds [50 CFR 80.21]. In addition to the laws and regulations specific to the grant program, there are numerous other compliance requirements for Federal grant programs. Those that are generally applicable to all Federal grant programs are "assurances," since grantees must provide assurance that they will comply with applicable provisions. 522 FW 1 provides an assurances checklist for construction and nonconstruction grants that States may use in developing a Grant Proposal. (See 522 FW 1 and 523 FW 1.)

**1.7 For what purposes can States use Wildlife Restoration funds?** The following are eligible purposes under the Federal Aid in Wildlife Restoration Program. Part 522 contains additional information on eligible grant purposes.

**A.** Restoration, conservation, management, and enhancement of wild birds and wild mammals, and providing for public use and benefit from these resources [WR Act Sec 2 and 50 CFR 80.5(a)(1)].

**B.** Educating responsible hunters and archers in skills, knowledge, and attitudes [WR Act Sec 8(b) and 50 CFR 80.5(a)(2)].

**1.8 What are ineligible activities?** The Federal Aid in Wildlife Restoration Act prohibits using Federal Aid funds for certain purposes. In addition, the rules and policies (50 CFR 80) specify certain other purposes or activities that are not consistent with the grant program purposes and are also ineligible. The following is a summary of ineligible activities:

**A.** Public relations activities that promote organizations or agencies and that do not apply to educational, technical assistance, or outreach activities specifically related to accomplishment of Federal Aid grants or programs [50 CFR 80.6(b)].

**B.** Activities whose purpose is producing revenue. This includes all processes and procedures directly related to the printing, distribution, issuance, or sale of licenses, permits, etc., imposed by law or regulation. It also includes the acquisition of real or personal property for the purpose of rental, lease, sale, or other commercial purposes [50 CFR 80.14(c)].

**(1)** The activities and associated costs of the development and maintenance of an automated licensing system are eligible for Federal Aid funding to the degree that it supports development of databases for storing State management information, or that would improve the States' license certification process [50 CFR 80.10]. In such cases, the grant proposal must contain an allocation of costs between eligible and ineligible activities [50 CFR 80.15(c)].

**(2)** The production of income that results from otherwise eligible activities, incidental to these activities, is not prohibited. Examples are sale of surplus commodities, collection of user fees, etc. [50 CFR 80.14(c)]

**C.** Providing services or property of material value to individuals or groups for commercial purposes or to benefit such individuals or groups [50 CFR 80.5(a)(1), 50 CFR 80.14(c)]. This does not prohibit providing technical assistance to a private landowner or operator where a public benefit will be served [50 CFR 80.5(a)(1)] (see 522 FW 14).

**D.** Enforcement of game and fish laws and regulations. This includes routine patrol, investigations, and law enforcement training [50 CFR 80.6(a)]. This does not prohibit activities necessary to accomplish Federal Aid grant purposes, or to protect Federal Aid assets, such as control of public entry. Nor does it prohibit activities to ensure public health and safety on Federal Aid areas [50 CFR 80.5(a)(1)].

**E.** Establishment, publication, and dissemination of regulations issued by a State pertaining to the protection and utilization of fish and wildlife resources. Includes laws, orders, seasonal regulations, bag limits, creel limits, license fees, etc. [50 CFR 80.6(a)] This does not prohibit the scientific collection of information needed to support management recommendations [WR Act Sec 2].

**F.** Stocking of game animals for the purpose of providing hunting of the animals stocked without objectives for restoration or establishment of self-sustaining populations [WR Act Sec 2, 50 CFR 80.5(a)(1)].

**G.** Furnishing public facilities, equipment, or services in excess of the minimum required to meet grant purposes or health and safety standards [50 CFR 80.13(d), WR Act Sec 1].

**H.** Wildlife damage management activities.

**(1)** Wildlife damage management activities, including removal or control of predatory, nuisance, or depredating animals; purchase or application of repellants or toxicants; installation of control pipes, culverts, fences, or other barrier or

exclusion structures; or compensation for damage caused by predatory or depredating animals, if one or more of the following conditions apply:

**(a)** State prohibits or restricts conservation measures, such as hunting and trapping, for the species causing damage to a level that compromises the ability of the State fish and wildlife agency to reasonably attain its wildlife management objectives (excepting circumstances where firearms, archery, or trapping restrictions for valid public safety reasons as verified by the agency preclude hunting or trapping, or the restrictions are the result of Federal primary legal authority).

**(b)** State has specifically delegated management authority for the animals in question to an agency or entity other than the State fish and wildlife agency.

**(c)** State fish and wildlife agency does not have control and expenditure authority over use of license fees for wildlife damage management.

**(d)** The primary purpose of the wildlife damage management activity is not an eligible activity in the Wildlife Restoration Program.

**(2)** If conditions (a), (b), (c), or (d) apply, a State fish and wildlife agency may still use Federal Aid funds to monitor wildlife damage and provide technical guidance, exclusive of actual management activities, if the Federal Aid grant documents and approves the activity. Payments for wildlife damages are not an eligible use of Federal Aid funds.

**1.9 Are there instances when a State could use license fees for wildlife damage management?** We allow the use of license fees for wildlife damage management (including predator control) or damage compensation that helps achieve fish and wildlife management goals if the State fish and wildlife agency has:

**A.** Control and expenditure authority over these funds, and

**B.** Management authority over the animals in question.

### **1.10 When would a diversion of funds occur?**

**A.** A diversion of funds under [50 CFR 80.4](#) would occur if a State uses license funds for wildlife damage management where one or more of the following conditions apply:

**(1)** State prohibits or restricts conservation measures, such as hunting and trapping, for the species causing damage to a level that compromises the ability of

the State fish and wildlife agency to reasonably attain its wildlife management objectives (excepting circumstances where firearms, archery, or trapping restrictions for valid public safety reasons as verified by the agency preclude hunting or trapping, or the restrictions are the result of Federal primary legal authority).

**(2)** State has specifically delegated management authority for the animals in question to an agency or entity other than the State fish and wildlife agency.

**(3)** State fish and wildlife agency does not have control and expenditure authority over use of license fees for wildlife damage management.

**B.** Even if one or more of the conditions in subparagraph A apply, State fish and wildlife agencies would not be in diversion if they use license fees to provide technical guidance, consultation, permitting, and monitoring of wildlife damage, exclusive of actual management activities, such as removal of animals. We allow the use of fees for control of exotic species not under authority of the State fish and wildlife agency if necessary to restore or maintain populations of species under the State agency's authority.

**C.** If a diversion of license revenues occurs, the State becomes ineligible to participate under the Wildlife Restoration Act from the date we declare the diversion until the State satisfies the requirements of [50 CFR 80.4\(d\)](#).

**1.11 Where can I find additional guidance?** [Part 522](#) contains general administrative requirements and program standards for documentation and execution of the Federal Aid in Wildlife Restoration Program. We intend the guidance to be thorough and current; however, grantees should not rely on it as a sole source. Regional Offices will answer specific questions.

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## **522 FW 11** **Research**

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FWM 060)  
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**11.1 What is the purpose of this chapter?** This chapter provides guidance on grants to conduct research on issues related to the management of fish and wildlife resources. The "Handbook on Research and Surveys, Federal Aid in Fish and Wildlife Restoration" and "Tactical Planning in Fish and Wildlife Management and Research" provide more specific information. These handbooks are available from Regional Federal Aid Offices.

### **11.2 What are the definitions for some terms as used in this chapter?**

**A.** "Research" results are useful for a long time period and over a broad geographical area. In contrast, in [522 FW 12](#) on "survey and inventory" grants, the results of survey and inventory projects apply only to the specific period and/or geographical place of the survey or inventory.

**B.** State(s). Refers to State fish and wildlife agencies and other grantees.

**C.** We. Refers to the Fish and Wildlife Service.

**11.3 What are the eligible purposes for these grants?** Research studies must have objectives that relate to [[50 CFR 80.5](#)]:

**A.** Providing solutions to problems involving fish or wildlife resources.

**B.** Determining factors affecting the demands or needs for fish and wildlife resources.

**11.4 What special conditions apply to research grants?** The following conditions specifically apply to studies within a grant to conduct research.

**A. Principal Investigator.** If there is a change in the principal investigator, you must amend the Grant Proposal [[43 CFR 12.70\(d\)\(3\)](#)]. See [522 FW 1](#) for general information on amending a Grant Proposal.

**B. Acknowledgments.** In all final reports, publications, theses, and contract research reports, you should acknowledge the Federal Aid program that funded

the research and cite the Federal Aid grant number. You may also use the appropriate Federal Aid symbol to identify the program.

**C. Copyrights.** States may copyright any book, publication, or other copyrightable material. However, the Federal Government has a royalty-free, nonexclusive and irrevocable license to use the material and to authorize others to use it for Government purposes [43 CFR 12.74].

**D. Patents.** The State must notify the Regional Director of any patentable invention or process that it develops as part of a research study. Patent rights are subject to the clause specified in, "Rights to Inventions made by Nonprofit Organizations and Small Business Firms" [37 CFR 401.14b].

**E. Treatment of Live Animals.** Treatment of live animals involved in research may be subject to the Animal Welfare Act of 1985 and the regulations of the Department of Agriculture [9 CFR Parts 1-3].

**11.5 What does a study statement include?** For each study for research within a grant, a study statement must include the following information [50 CFR 80.13].

**A. Need.** State the problem that needs a solution wholly or in part by this research. Include a brief discussion of the literature review relative to the problem.

**B. Objective.** State precisely the intended outputs from the effort, showing the quality and the time of accomplishment. Examples:

**(1)** By the end of the Grant Proposal period, determine if cementum samples can be accurately analyzed to show reproductive histories in black bears.

**(2)** By 2004, to compare current smallmouth bass recruitment in the Trinity City section of the Embarrass River with recruitment established from 1985-1989, prior to the 500-year flood of 1993.

**(3)** By 2004, learn the factors limiting the wild turkey populations in Rhode Island.

**C. Results and Benefits.** Describe how you will use the results and how their use resolves the need described. Examples:

**(1)** Resolving uncertainties in reading cementum in bears will allow construction of computer models guiding management of the harvest with maximum insurance for welfare of the population.

**(2)** Information gained from the research will determine the need to develop a supplemental stocking program for the Trinity City section of the Embarrass River.



**(3)** The information will be used to develop a statewide wild turkey management plan for Rhode Island.

**D. Approach.** For each study within the grant, describe how you will carry out the research. Include the method(s) you will employ and the schedule of work. If you will subcontract the work (or major portions of the work) under an agreement with a third party such as a university, identify the party or entity doing the actual work. Include the name of the principal investigator.

**E. Location.** Identify where the work will be done. If the research involves field work, provide the location of the field work in addition to the location of the research facility.

**F. Cost.** For each study within the grant, provide the estimated cost, by year, for completion of the objective.

**11.6 What information do I need to support the Grant Proposal?** Refer to [522 FW 1](#) for general information on documentation to support the Grant Proposal [[50 CFR 80.11](#)]. If the proposal is for renewal of an ongoing study, provide an evaluation of the study to date and its results. Since the evaluation is a condition for renewal of the study, you must submit it with the GP [[50 CFR 80.11](#), [43 CFR 12.50\(b\)\(3\)](#)].

**11.7 What documentation do I need to support the Grant Agreement?** See [522 FW 1](#) for general information on documentation to support the Grant Agreement. For each study within a grant, provide a work plan and cost estimate for the Grant Agreement period [[50 CFR 80.11\(a\)](#), [43 CFR 12.50\(b\)\(3\)](#)].

**11.8 What are the allowable costs?** General requirements related to allowable costs are in [43 CFR 12.62](#) and [522 FW 1](#).

**11.9 Are reports required?** You are responsible for monitoring each study within a grant to ensure compliance with Federal requirements and to ensure that you are meeting study objectives [[50 CFR 80.18](#); [43 CFR 12.80\(a\)](#)]. The State, or sub-grantee, must provide annual performance reports for research studies as described in subparagraph A below [[43 CFR 12.80\(b\)](#)]. For final performance reports, however, the State, or sub-grantee, may submit a final research report as described in [subparagraph B](#) below, or a publication manuscript containing the information:

**A. Annual Performance Reports.** The State must submit an annual performance report within 90 days of the completion of the grant year, normally the expiration date of the Grant Agreement [[43 CFR 12.80\(b\)\(1\)](#)]. If you cannot submit the annual performance report within the 90-day period, send a written request for



extension and provide an estimated date for submission, to the Regional Director before the end of the 90-day period [43 CFR 12.80(b)(1)]. Unless otherwise advised by the Regional Office, send an original and two copies of the report [43 CFR 12.80(b)(3)]. For each study in the GA, annual performance reports must contain the following information [43 CFR 12.80(b)(2)]:

- (1) A summary of the work completed during the GA period compared with the work plan identified in the GA.
- (2) Costs incurred during the GA period.
- (3) Explain any deviations in work or costs, why they occurred, and how these may impact on accomplishment of the stated study objective(s).

**B. Final Reports.** In addition to an annual performance report, at the end of the last year of a Grant Proposal period, States must submit a final performance report within 90 days of the expiration of the Grant Proposal [43 CFR 12.80(b)]. If you cannot submit the final report within the 90-day period, send a written request for extension and provide an estimated date for submission, to the Regional Director before the end of the 90-day period [43 CFR 12.80(b)(1)]. Unless otherwise advised by the Regional Office, send an original and two copies of the report [43 CFR 12.80(b)(3)]. For each study in the grant, the final report may be either:

(1) A final report, signed by a State official, containing the following information:

- (a) Name of the State, grant and study number, title, the period covered by the research, and the name of the researcher.
- (b) The problem or need which prompted the research
- (c) Evidence of a review of prior research and studies in progress.
- (d) The objective(s) addressed.
- (e) The approach or procedures used.
- (f) A discussion of the findings related to the objective(s), problem, or need. Include a discussion of the management implications of the findings.

(2) A publication or manuscript that contains the above information that you have submitted for publication. This publication or manuscript may contain the results of more than one completed study. A popular account of research is acceptable as

a final report if it is precise and complete and if a nontechnical audience is the intended target for the findings.

**(3)** Grantees can also submit an academic thesis or dissertation as a final performance report, so long as it contains the elements in [subparagraph B\(1\)](#) above.

**11.10 Do I have to submit reports to renew the Grant Proposal?** Final performance reports for research grants the State is seeking to renew need evaluation to measure the accomplishment of the study objectives before each renewal of the GP [[50 CFR 80.11](#), [43 CFR 12.50\(b\)\(3\)](#)]. The purpose of the evaluation is to ensure that the research is effective in meeting the need [[50 CFR 80.13](#)]. The Final Report for a GP containing a research study for which the State is seeking a renewal is due with the submittal of the new GP containing the research.

**11.11 Do sub-grantees have to submit reports?** The States are responsible for obtaining information on performance from sub-grantees and contractors necessary for the State to meet annual and final performance reporting requirements as noted above [[50 CFR 80.18\(a\)\(3\)](#)].

**11.12 Are there financial reporting requirements?** States must submit a Financial Status Report (FSR), [SF-269](#), for each GA annually [[43 CFR 12.81\(b\)\(3\)](#)]. The FSR is due within 90 days of the end of the grant year. For a GA lasting 12 months, this is the expiration date of the GA. For multi-year GA's this is the one-year anniversary of the effective date of the GA [[43 CFR 12.81\(b\)\(4\)](#)]. If you cannot provide the report within the 90-day period, submit a request for extension to the Regional Director. The request must contain a justification for the delay and an estimated date for submission of the required report [[43 CFR 12.81\(a\)\(7\)](#)]. The State can obtain copies of the [SF-269](#) from Regional Offices. When circumstances warrant closer monitoring, the Service may require that States submit Financial Status Reports quarterly, or more frequently in the case of a "high risk" State [[43 CFR 12.81\(b\)\(3\)](#); [43 CFR 12.52\(b\)\(3\)](#)].

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